

Appln No. 10/045,995

Amdt date July 27, 2004

Reply to Office action of January 27, 2004

REMARKS/ARGUMENTS

Claims 1-15, 28, 30-40 and 43 are pending. By this amendment, Applicant has amended claims 1, 30, 33, 35 and 43 and canceled claims 16-27, 29, 41 and 42. Applicant respectfully requests reconsideration, reexamination and allowance of the present application.

As an initial note, Applicant has not received acknowledgement that the Examiner has considered the Information Disclosure Statement filed by Applicant on September 23, 2002. Applicant respectfully requests that the Examiner consider the IDS and return a copy of the initialed Form 1449. If the Examiner would like a copy of what was filed, Applicant will be glad to provide it upon the Examiner's request.

The Examiner has objected to claims 33 and 35 based on certain informalities. Applicant has amended the dependency of the claims to correct the informality and requests that the Examiner withdraw the objection.

The Examiner has rejected claims 1-13, 28, and 30-37 under 35 U.S.C. Section 102(b) and being anticipated by Mathers, U.S. Patent 3,389,699. Applicant has amended independent claims 1 and 30 to include limitations directed to the support structure guide rails and carriage assembly in combination with the other elements set forth in the noted claims. By way of example, claim 1 now contains the additional limitations of "at least one guide rail affixed to a support structure, said guide rail including a first raceway having a generally V-shaped cross-section and a second opposing raceway spaced apart from said first raceway; said carriage assembly including at least one

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rotatably attached guide wheel and at least one biasing member acting in opposition to said guide wheel, said guide wheel being adapted to travel within said first raceway, thereby coupling said carriage assembly to said guide rail, and said biasing member being adapted to bear against said second raceway, wherein force applied by said biasing member centers said guide wheel within said first raceway."

Claim 30 also contains limitations as set forth in the claim. Mathers fails to disclose or suggest the combination of elements set forth in the amended claims. Therefore, the rejection of claims 1 and 30 should be withdrawn, and the claims allowed. As claims 2-13 and 28, and claims 30-37, depend on claims 1 and 30, respectively, these claims should be allowed as well.

The Examiner has rejected claim 14 under 35 U.S.C. Section 102(b) as being anticipated by Garth, U.S. Patent 6,485,443. Applicant first notes that as Applicant filed the present application prior to issuance of Garth, Garth does not appear to be a prior art reference under Section 102(b), but may or may not be actual prior art under 35 U.S.C. Section 102(e). Without admitting to whether Garth is prior art, Applicant noted that claim 14 depends upon claim 1, and is distinguishable over Garth because Garth fails to disclose the combination of limitations set forth in allowable claim 1. Accordingly, Applicant requests that the Examiner withdraw the rejection of claim 14 under 35 U.S.C. Section 102(b).

The Examiner has rejected claims 14 and 15 under 35 U.S.C. Section 103(a) as being unpatentable over Mathers in view of Arndt. Neither reference, alone or in combination, discloses or

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suggests the features of amended claim 1, discussed above, on which claims 14 and 15 depend. Accordingly, Applicant respectfully requests that claims 14 and 15 be allowed.

The Examiner has rejected claims 38-40 under 35 U.S.C. Section 103(a) as being unpatentable over Rene, U.S. Patent 5,618,262. Applicant requests that this rejection be withdrawn. Claim 38 includes limitations, among others, directed to the guide wheel, biasing member and raceway on the support structure, that are not disclosed or suggested by Rene. In particular, claim 38 claims in combination with the other elements of the claim: "at least one guide rail affixed to a support structure, said guide rail including a first raceway having a generally V-shaped cross-section and a second opposing raceway spaced apart from said first raceway, parallel to the plane of movement of a carriage assembly; said carriage assembly including at least one rotatably attached guide wheel and at least one biasing member acting in opposition to said guide wheel, said guide wheel being adapted to travel within said first raceway, thereby coupling said carriage assembly to said guide rail, and said biasing member being adapted to bear against said second raceway, wherein force applied by said biasing member centers said guide wheel within said first raceway." The Examiner states that element 90 in Rene represents the claimed guide wheel, but then there is no biasing member and no visible V race shaped raceway coupled to the guide wheel, and no biasing member. The Examiner's statements that guide wheel 90 and guide wheel 88 "would comprehend the biasing member" and admission that Rene teaches a V-shaped raceway 52 in

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another location (and presumably not coupled to the guide wheels) support the assertion that the Examiner may have relied upon improper hindsight reconstruction based upon Applicant's teachings to reject the claims. Absent disclosure or suggestion of the claimed combination, which Applicant has been unable to find, Applicant respectfully requests that the rejection of claims 38-40 should be withdrawn and the claims allowed.

The Examiner has rejected claim 43 under 35 U.S.C. Section 103(a) as being unpatentable over Mathers in view of Buffalow, U.S. Patent 2,884,923. This rejection is respectfully traversed. Applicant has amended claim 43 to include "biasing means for biasing the roller against the raceway." This feature, which advantageously helps to retain the guide wheel within the raceway even as the wheel may wear down due to prolonged use, is not disclosed or suggested in either Mathers or Buffalow, alone or in combination. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection and allow claim 43.

Based on the foregoing, Applicant submits that pending claims 1-15, 28, 30-40 and 43 are in condition for allowance, and respectfully requests issuance of a Notice of Allowance. If any issues remain unresolved, the Examiner is asked to contact the undersigned for a telephonic interview.

Respectfully submitted,

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